

### **REMARKS**

Applicants have carefully reviewed the Office Action mailed on January 3, 2007. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. With this amendment, claims 1, 13, 25, 29, 33, 34, and 35 are amended. No new matter is added. Claims 1-7, 9-20 and 22-38 remain pending.

#### **Claim Rejections Under 35 U.S.C. §102**

Claims 1, 9-11, 13, 14, 22-24, 25-27 and 29-38 are rejected under 35 U.S.C. §102(e) as being anticipated by Halevy in U.S. Patent No. 6,663,589. Regarding claims 1, 9-11, and 36-37, claim 1 is amended to recite that the balloon has an expansion region that contacts a blood vessel wall during use of the balloon, that the traction member includes a section that extends over the expansion region of the balloon, and that at least the section of the traction member extending over the expansion region conforms with the expansion region during use of the balloon. This differs from Halevy, which discloses a flexible ring assembly 260, and rods 266 projecting from ring assembly 260. Halevy expressly describes the ring assembly 260 as being flexible. See Halevy at column 7, lines 49-52. This does not hold true for the rods 266 which are shown as straight and rigid in expanded form in Figure 3. Indeed, in order for the rods 266 to function and anchor the umbrella-like member of catheter 200 to the selected location in the body passage 202, they would need to be rigid.

By virtue of the rods 266 being rigid, Halevy cannot meet all the limitations of claim 1. For example, the rods 266 cannot both anchor the catheter 200 at the selected location (i.e., by projecting into the tissue 206 of body passage 202 in the manner shown in Figure 3) and still conform with an expansion region of the balloon 220 during use of the balloon. This is because, at the site where balloon 220 contacts the tissue 206, rod tips 262 project away from the balloon and into the tissue 206. Thus, the rods 266 cannot conform with an expansion region of balloon 220 during use of the balloon. Consequently, this limitation distinguishes the claimed invention from Halevy.

Furthermore, use of the rods 266 as described by Halevy in a blood vessel could result in the rods 266 becoming embedded in the blood vessel. At arterial sites where balloon catheters such as those contemplated for the claimed invention may be used, having rods 266 extending from the balloon that embed within the vessel may cause damage to the vessel and defeat the very purpose for using the device.

Based on the forgoing, Applicants respectfully submit that the amendment to claim 1 distinguishes it from Halevy. Because claims 9-11 and 36-37 depend from claim 1, they are also allowable based on this amendment and because they add significant elements to distinguish them further from the art.

Regarding claims 13, 14, 22-24, and 38, claim 13 is similarly amended to recite that the balloon has an expansion region that contacts a blood vessel wall during use of the balloon, that the traction member includes a section that extends over the expansion region of the balloon, and that at least the section of the traction member extending over the expansion region conforms with the expansion region during use of the balloon. For reasons similar to those set forth above in relation to claim 1, Applicants respectfully submit that this amendment distinguishes claim 13 from Halevy. Because claims 14, 22-24, and 38 depend from claim 13, they are also allowable based on this amendment and because they add significant elements to distinguish them further from the art.

Regarding claims 25-27, claim 25 is similarly amended to recite that the balloon has an expansion region that contacts a blood vessel wall during use of the balloon, that the traction member includes a section that extends over the expansion region of the balloon, and that at least the section of the traction member extending over the expansion region conforms with the expansion region during use of the balloon. For reasons similar to those set forth above in relation to claim 1, Applicants respectfully submit that this amendment distinguishes claim 25 from Halevy. Because claims 26-27 depend from claim 25, they are also patentable for the same reasons as claim 25 and because they add significant elements to distinguish them further from the art.

Regarding claims 29-32, claim 29 is similarly amended to recite that the balloon has an expansion region that contacts a blood vessel wall during use of the balloon, that the traction member includes a section that extends over the expansion region of the balloon, and that at least the section of the traction member extending over the expansion region conforms with the expansion region during use of the balloon. For reasons similar to those set forth above in relation to claim 1, Applicants respectfully submit that this amendment distinguishes claim 29 from Halevy. Because claims 30-32 depend from claim 29, they are also patentable for the same reasons as claim 29 and because they add significant elements to distinguish them further from the art.

Regarding claim 33 and 34, both of these claims are amended to recite that the balloon has an expansion region that contacts the intravascular lesion during use of the balloon, that the means for increasing the traction between the balloon and the intravascular lesion includes a section that extends over the expansion region of the balloon, and that at least the section of the means for increasing the traction between the balloon and the intravascular lesion extending over the expansion region conforms with the expansion region during use of the balloon. For reasons similar to those set forth above in relation to claim 1, Applicants respectfully submit that these amendments distinguish claims 33 and 34 from Halevy.

Regarding claim 35, this claim is similarly amended to recite that the balloon has an expansion region that contacts a blood vessel wall during use of the balloon, that the traction member includes a section that extends over the expansion region of the balloon, and that at least the section of the traction member extending over the expansion region conforms with the expansion region during use of the balloon. For reasons similar to those set forth above in relation to claim 1, Applicants respectfully submit that this amendment distinguishes claim 35 from Halevy.

#### **Claim Rejections Under 35 U.S.C. §103**

Claims 2, 3, 4, 7, 15, 16 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Halevy in view of Bradshaw in U.S. Patent No. 6,450,988. MPEP §2143 states that in order to establish a prima facie case of obviousness, all the claim limitations must be taught or suggested. For the reasons set forth above, Applicants respectfully submit that amended claims 1 and 13 are patentable over Halevy because, for example, Halevy fails to teach or suggest all the claim limitations. Bradshaw fails to overcome this deficiency. Accordingly, Applicants respectfully submit that amended claims 1 and 13 are patentable over the combination of Halevy and Bradshaw, to the extent that such a combination is appropriate. Because claims 2-4 and 7 depend from claim 1 and because claims 15-16 and 20 depend from claim 13, these claims are also patentable for the same reasons and because they add significant elements to distinguish them further from the art.

Claims 4, 5, 6, 17, 18 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Halevy in view of Grayzel et al. in U.S. Patent Pub. No. US 2002/0010489. For the reasons set forth above, Applicants respectfully submit that amended claims 1 and 13 are patentable over Halevy because, for example, Halevy fails to teach or suggest all the claim limitations. Grayzel

et al. fail to overcome this deficiency. Accordingly, Applicants respectfully submit that amended claims 1 and 13 are patentable over the combination of Halevy and Grayzel et al., to the extent that such a combination is appropriate. Because claims 4-6 depend from claim 1 and because claims 17-19 depend from claim 13, these claims are also patentable for the same reasons and because they add significant elements to distinguish them further from the art.

Claim 28 is rejection under 35 U.S.C. §103(a) as being unpatentable over Halevy in view of Hart et al. in U.S. Patent No. 6,626,861. For the reasons set forth above, Applicants respectfully submit that amended claim 25 is patentable over Halevy because, for example, Halevy fails to teach or suggest all the claim limitations. Hart et al. fail to overcome this deficiency. Accordingly, Applicants respectfully submit that amended claim 25 is patentable over the combination of Halevy and Hart et al., to the extent that such a combination is appropriate. Because claim 28 depends from claim 25, it is also patentable for the same reasons as claim 25 and because it adds significant elements to distinguish it further from the art.

### **Conclusion**

Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,  
Steven A. McAuley et al.  
By their Attorney,

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